

Proposed Temporary Rule

Public Hearing:

August 20, 2015 – 10:30 am
Wake Technical Community College
Public Safety Training Center
321 Chapanoke Rd.
Raleigh, NC 27611

Instructions for Oral and Written Comments: The objection, reasons for the objection, and the clearly identified portion of the rule to which the objection pertains, must be submitted in writing to:

Trevor Allen
Department of Justice
Criminal Justice Standards Division
PO Drawer 149
Raleigh, NC 27602

Title: **Military Transferees**
Agency: Department of Justice, Criminal Justice Standards Division
Criminal Justice Education and Training Standards Commission

12 NCAC 09B .0701: MILITARY TRANSFEREES

☐ **Statutory authority for the rule change:** G.S. 17C-2; 17C-6; 17C-10; 93B-15.1

☐ **Amendment:** The Criminal Justice Education and Training Standards Commission proposed this temporary rule in order to comply with G.S. 17C-10.1. The rule specifies the process for military trained individuals to obtain law enforcement certification through the Commission.

Rule begins on the following page:

SECTION .0700 – MILITARY TRAINED APPLICANT

12 NCAC 09B .0701 is proposed for adoption

12 NCAC 09B .0701 MILITARY TRANSFEREES

(a) Pursuant to G.S. 17C-10.1 a current or honorably-discharged former military police officer seeking certification as a law enforcement officer shall submit to the Standards Division a completed Form F-21, Request for Military Evaluation for BLET, and copies of the individual's military law enforcement training and personnel records and Certificate of Release or Discharge documentation from Military Service. Form F-21 is located on the agency's website: http://www.ncdoj.gov/getdoc/f7c44036-d56a-4c12-90a3-d73a8806493f/F-21_Military-EvalCJ_6-8-15.aspx.

(b) Upon receipt of the documentation prescribed in Paragraph (a) of this Rule, the Standards Division shall evaluate the applicant's training and experience pursuant to G.S. 93B-15.1 to determine if the applicant's training and experience is substantially equivalent to or exceeds the minimum requirements for employment as a law enforcement officer as prescribed in Rules 09B .0101, 09B .0111, and 09B .0403 of this Subchapter.

(c) The Division shall issue probationary certification, pursuant to Rule 09C .0303 of this Chapter, to an applicant who meets the following requirements:

- (1) has completed a formal military basic training program and been awarded a military police occupational specialty rating;
- (2) has performed military police officer duties in any of the branches of military service, active or reserve, or the National Guard for not less than two of the five years preceding the date of application for certification as a law enforcement officer; and
- (3) whose training and experience is determined to be substantially equivalent to or exceeds the minimum expectations for employment as a law enforcement officer as prescribed in Rules 09B .0101, 09B .0111, and 09B .0403(2) of this Subchapter.

(d) An applicant certified pursuant to Paragraph (c) of this Rule shall complete, within one year of being issued certification, the following with passing scores:

- (1) the following topics of a Commission-accredited Basic law Enforcement Training course as specified in Rule 09B .0205 of this Subchapter:

<u>(A)</u>	<u>Arrest, Search and Seizure/Constitutional Law</u>	<u>28 Hours</u>
<u>(B)</u>	<u>Elements of Criminal law</u>	<u>24 Hours</u>
<u>(C)</u>	<u>Juvenile Laws and Procedures</u>	<u>8 Hours</u>
<u>(D)</u>	<u>ABC Laws and Procedures</u>	<u>4 Hours</u>
<u>(E)</u>	<u>Motor Vehicle Laws</u>	<u>20 Hours</u>
<u>(F)</u>	<u>Preparing for Court and Testifying in Court</u>	<u>12 Hours</u>
<u>(G)</u>	<u>Civil Process</u>	<u>24 Hours</u>
	<u>Total Hours</u>	<u>120 Hours;</u>

- (2) the Basic Law Enforcement Training comprehensive written exam; and
- (3) the hiring agency's in-service firearms training and qualification program.

(e) The Division shall issue certification to a current or honorably discharged military police officer whose combined training and experience is not substantially equivalent to or does not exceed the minimum requirements for employment as a law enforcement officer, as specified in Rule 09B .0403 of this Subchapter, if the applicant meets the following requirements:

- (1) completed a formal military basic training program and been awarded a military police occupational specialty rating;
- (2) performed military police officer duties in any of the branches of military service, active or reserve, or the National Guard for not less than two of the five years preceding the date of application for certification as a law enforcement officer;
- (3) meets the minimum standards for law enforcement officers as prescribed in Rule 09B .0101 and Rule 09b .0111 of this Subchapter;
- (4) completes with passing scores the following Basic Law Enforcement Training topics included in Rule .0205 of this Subchapter:

<u>(A)</u>	<u>Orientation</u>	<u>2 Hours</u>
<u>(B)</u>	<u>Arrest, Search and Seizure/Constitutional Law</u>	<u>28 Hours</u>
<u>(C)</u>	<u>Elements of Criminal law</u>	<u>24 Hours</u>
<u>(D)</u>	<u>Subject Control and Arrest Techniques</u>	<u>40 Hours</u>
<u>(E)</u>	<u>Juvenile Laws and Procedures</u>	<u>8 Hours</u>
<u>(F)</u>	<u>Firearms</u>	<u>48 Hours</u>
<u>(G)</u>	<u>ABC Laws and Procedures</u>	<u>4 Hours</u>
<u>(H)</u>	<u>Motor Vehicle Laws</u>	<u>20 Hours</u>
<u>(I)</u>	<u>Law Enforcement Driver Training</u>	<u>40 Hours</u>
<u>(J)</u>	<u>Domestic Violence Response</u>	<u>12 Hours</u>
<u>(K)</u>	<u>Individuals with Mental Illness and Developmental Disabilities</u>	<u>8 Hours</u>
<u>(L)</u>	<u>Preparing for Court and Testifying in Court</u>	<u>12 Hours</u>
<u>(M)</u>	<u>Patrol Techniques</u>	<u>28 Hours</u>
<u>(N)</u>	<u>Civil Process</u>	<u>24 Hours</u>
<u>(O)</u>	<u>Human Trafficking</u>	<u>2 Hours</u>
	<u>Total Hours</u>	<u>300 Hours; and</u>

- (5) achieves a passing score on the Basic Law Enforcement Training comprehensive written examination.

(f) Members of the Air/Army National Guard and Military Reserve Components who have performed as a military police officer for not less than 1,040 hours during the five years preceding the date of application for certification shall be deemed to satisfy the requirements of Paragraph (e)(2) of this Rule.

(g) An applicant who, after completing the required training in Paragraph (d)(1) or (e)(4) this Rule, fails to achieve a passing score on the Basic Law Enforcement Training comprehensive written exam may be retested in the units the applicant failed. An applicant who fails three or more units must enroll in and complete with passing scores a subsequent delivery of the Basic Law Enforcement Training course in its entirety in order to be eligible for certification.

(h) An active duty military police officer who obtains certification while on active duty under this Rule may retain the certification for the duration of active duty provided the officer continues to perform military police officer duties and complies with the in-service training requirements, as specified in Rule 09E .0105 of this Chapter. An active duty military police officer who is unable to complete annual in-service requirements due to deployment or overseas assignment shall have 12 months from the time the officer returns to the United States in which to complete the in-service training requirements, as specified in Rule 09E .0105 of this Chapter for each year he or she was unable to complete due to overseas assignment. The officer shall retain the certification for a period of one year following separation from active duty.

(i) When completing the required training topics specified in Paragraph (d)(1) or Paragraph (e)(4) of this Rule, the individual shall meet all requirements specified in Rule 9B .0203 and Rule 9B .0405 of this Subchapter.

Authority G.S. 17C-2; 17C-6; 17C-10; 93B-15.1

Eff. October 1, 2015